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BY FACSIMILE

Hon. Richard J. Sullivan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/26/08**

August 25, 2008

MEMO ENDORSED

**Re: United States v. Peter Scaminaci
08 Cr. 763 (RJS)**

Dear Judge Sullivan:

Please accept this correspondence as a request to adjourn the status conference in the above-captioned matter presently scheduled for Tuesday August 26 at 2:45 P.M. to either Friday, Tuesday, Wednesday, or Thursday, August 29, September 2-4, 2008 respectively.

The request is made to accommodate the defendant who earlier today had ambulatory surgery performed at Queens New York Hospital by Dr. I. Tiszenkel. I have been informed by the defendant that his physician has recommended he rest and not leave his residence for the next 48 hours to properly recover from the surgery.

I have advised Mr. Scaminaci of his rights pursuant to the Speedy Trial Act and he consents to the exclusion of time for this period in the interests of justice as plea discussions with the government continue. Similarly, I have discussed this application with Assistant United States Attorney Michael Maiman and the government does not oppose this application.

Respectfully submitted,

Alan Nelson

cc: AUSA Michael Maiman

Request granted. The conference is adjourned until Tuesday, September 2, 2008 at 12 noon. In light of the facts set forth above, the Court finds that the time between today and September 2, 2008 shall be excluded pursuant to Title 18, U.S.C. section 3161(h)(8)(A) in the interest of justice.

[Signature]
Date: 8/25/08
RICHARD J. SULLIVAN
U.S.D.J.